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December 14, 2022

By ECF

The Honorable Kenneth M. Karas  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: *United States v. Markell Williams*, No. 22 Cr. 47 (S.D.N.Y.)

Dear Judge Karas:

I write on behalf of Markell Williams to respectfully ask the Court to delay accepting his plea for forty-five days while we attempt to resolve open counts that the government unsealed after Mr. Williams pleaded guilty in this case. After engaging in plea negotiations with the government, Mr. Williams pleaded guilty before Magistrate Judge Paul E. Davison on November 17, 2022. As the Court may be aware, twelve days later, on November 29, a grand jury returned an indictment charging Mr. Williams with additional crimes (the “22 Cr. 461 Indictment,” attached). The indictment was placed under seal, and neither Mr. Williams nor I learned of the additional charges until three weeks after the change-of-plea hearing. After unsealing, that case was wheeled out to Judge Halpern.

In the week since the unsealing of the 22 Cr. 461 Indictment, the government and I have begun negotiations for a disposition that would cover the charges in both this indictment and the 22 Cr. 461 Indictment. The new, open charges raise a host of concerns with Mr. Williams’ plea, including the government’s use of any statements Mr. Williams may have made during the change-of-plea hearing or may make in his Presentence Interview in the government’s direct case or as other-acts evidence in a trial on the 22 Cr. 461 Indictment. Based on the progress of our ongoing negotiations with the U.S. Attorney’s Office, Mr. Williams may or may not believe it advisable to withdraw his plea. Before a plea is accepted, a “defendant may withdraw a plea of guilty . . . before the court accepts the plea, for any reason or no reason.” Fed. R. Crim. P. 11(d)(1). For the reasons stated above, Mr. Williams also respectfully asks the Court to adjourn his sentence and any related deadlines for the PSI and PSR that Probation may have *sine die*.

Additionally, although I have not received discovery in the new case, the cases seem sufficiently related such that Mr. Williams and I will need to discuss whether a motion under Rule 13 for a joint trial should be filed should he withdraw his plea. We appreciate the Court’s attention to this matter.

Respectfully submitted,



Hon. Kenneth M. Karas  
Re: Delay of Acceptance of Guilty Plea

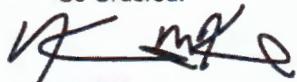
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/s/ Ezra Spilke

cc: All counsel of record, by ECF

Granted.

So Ordered.

  
12/14/22